



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

NOV 26 2008

Mr. Dan Eden, Deputy Director
Office of Permitting, Remediation and Registration (MC-122)
Texas Commission on Environmental Quality (TCEQ)
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Eden:

The Environmental Protection Agency (EPA) has completed its review of the Texas Commission on Environmental Quality's (TCEQ) request for approval of a site-specific aluminum acute criterion for a portion of Gibbons Creek Reservoir in Grimes County (within segment 1209). As required by 40 CFR §131.20, the request was originally submitted to EPA for review and approval by letter dated May 4, 2007. In response to the original request, EPA informed the TCEQ, by letter dated July 11, 2007, that a site-specific acute criterion of 6,750 $\mu\text{g/L}$ for aluminum is approvable. However, EPA could not take a formal approval action at that time, as the public participation requirements found at 40 CFR Part 25 had not been fulfilled for this site-specific water quality standards revision. TCEQ recently completed these public participation requirements through the public notice on the proposed permit for the Texas Municipal Power Agency's facility (Texas Pollutant Discharge Elimination System Permit No. 02120). No comments were received on the site-specific aluminum criterion.

Based on the water effect ratio (WER) study performed, the 2000 TX WQS statewide acute criterion for aluminum, and the resulting WER of 6.81, a site-specific freshwater acute water quality criterion for aluminum of 6,750 $\mu\text{g/L}$ has been demonstrated as appropriate to protect aquatic life and is approved for Clean Water Act purposes. This site-specific criterion only applies at the edge of the mixing zone for the Texas Municipal Power Agency's discharge from Outfall 001 and will be incorporated into Appendix E of the TX WQS at the time of the next triennial revision. The mixing zone for this facility is defined as a radius of 100 feet from the point where the discharge from Outfall 001 enters Gibbons Creek Reservoir. The statewide criteria in Table 1 of the 2000 TX WQS apply to the remaining areas of Gibbons Creek Reservoir. The presumed high aquatic life use for Gibbons Creek Reservoir has not been revised.


The Endangered Species Act §7 states that "all Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species" and "each Federal agency shall insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species." EPA has determined that approval of the site-specific aluminum criterion will have no effect on federally-listed threatened and endangered species or on critical habitat.

If you should have any questions, please call me at (214) 665-7101 or have your staff contact Diane Evans at (214) 665-6677.

Sincerely yours,



Miguel I. Flores



Director

Water Quality Protection Division

cc: Debbie Miller, TCEQ - Water Quality Standards Group (MC-203)
Mike Pfeil, TCEQ - Water Quality Assessment Section (MC-150)
John Onyenobi, TCEQ - Wastewater Permitting Section (MC-148)